

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

Statutory Change	Status of Law in 1986	Change to Law Since CMP Approval in 1986	Significance of Change
§ 28.2-1400. Definitions	Part of the original CMP approval [was §62.1-13.21]	<ul style="list-style-type: none"> • Added “town” to the list of types of governing bodies referenced in the statute (1994, c. 112) • Add Japanese sedge, Virginia pine, and broom sedge to the list of indicator species. (2008, c. 20) • Added to the list of exclusions from the definition of “coastal primary sand dune” or “dune” any mound of sand, sandy soil or dredge spoil deposited for the purpose of beach replenishment or beach nourishment and adds a prohibition against the slopes of such mounds being used to determine the landward or lateral limits of a coastal primary sand dune (1998, c. 160). 	<ul style="list-style-type: none"> • This is an administrative change and does not substantially change special management areas, boundaries, authorities or coordination. The addition of “town” to the list of bodies devolves the decisionmaking process to a subdivision of an already recognized locality, that is, from the county to a subdivision of the county. Furthermore, this chapter of the Va. Code (former §62.1, recodified in 1992 as §28.2) originally listed “towns” among the governing bodies authorized to establish wetlands boards. • Not a substantial change. The three species, along with the ten already listed, are needed to provide a “complete” definition of occurrences. • Not a substantial change. The existing exclusion for temporary placement of sand, sandy soil or

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

			dredge spoil was extended to clarify that the jurisdiction of the Commission is not expanded nor contracted by artificial beach construction or nourishment.
§ 28.2-1401. Powers and duties of Commission.	Part of the original CMP approval [was §62.1-13.24]	<ul style="list-style-type: none"> • Added “towns” to types of governing bodies involved in regulating coastal primary sand dunes and beaches. (1994, c. 112) • Changed the wording of the directive that states that the Commission shall manage any coastal primary sand dunes and beaches it receives “so as to maximize their ecological value” to “as provided in Article 2 (§ 28.2 -1503 et seq.) of Chapter 15 of this title.”(1995, c. 850). 	<ul style="list-style-type: none"> • <i>See</i> §28.2-1400 <i>supra</i>. • Not a substantial change. Article 2 (§ 28.2 -1503 et seq.) of Chapter 15, addressing the Commission’s management of all ungranted shores of the sea, marsh and meadowlands as well as all other lands of the Commonwealth for which management duties have been given to the Commission, reaffirms the Commission’s role as steward for the property interests of the Commonwealth as established in the Virginia Constitution Article XI §1, which is part of the CMP.
§ 28.2-1403. Certain counties, cities and towns authorized to adopt coastal primary sand dune ordinance.	Part of the original CMP approval [was §62.1-13.25]	<ul style="list-style-type: none"> • Added “towns” to the list of types of governing bodies that may adopt the coastal primary sand dune zoning 	<ul style="list-style-type: none"> • Not a substantial change. The addition of “towns” is an administrative change, which

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

		<p>ordinance. Stipulated the Town of Cape Charles as one of the counties, cities and towns that may adopt the ordinance, and added “town” to the list of types of governing bodies described in the definition section of the Coastal Primary Sand Dune Zoning Ordinance (1994, c. 112).</p> <ul style="list-style-type: none"> • Added 23 counties and 14 cities so that all of Tidewater Virginia with existing power to adopt wetlands boards also can adopt Coastal Primary Sand Dune Zoning Ordinance (2008, c. 20). • Changed reference date for Coastal Primary Sand Dune Zoning Ordinance to October 1, 1992 (1992. c. 836). • Inserted language formerly contained in 62.1-13.21 as a new subsection 9 to Coastal 	<p>does not substantially change uses, special management areas, boundaries, authorities or coordination. <i>See</i> §28.2-1400 <i>supra</i>. The stipulation of the Town of Cape Charles was in response to a request received by the Commission from the Town, within Northampton County, to establish a wetlands board to administer the Coastal Primary Dune Zoning Ordinance.</p> <ul style="list-style-type: none"> • Not a substantial change. These jurisdictions already have power to protect tidal wetlands. Virginia Institute of Marine Science notes that this will enable local protection of beaches or dunes along up to 78 shoreline miles of Chesapeake Bay and tributaries, out of 7200 total miles. • Not a substantial change; conforms reference to 1992 recodification. • No change; language from original approved program.
--	--	---	--

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

		<p>Primary Sand Dune Zoning Ordinance (1992, c. 836).</p> <ul style="list-style-type: none"> Added to the list of exclusions from the definition of “coastal primary sand dune” or “dune” in the Coastal Primary Sand Dune Zoning Ordinance any mound of sand, sandy soil or dredge spoil deposited for the purpose of beach replenishment or beach nourishment and adds a prohibition against the slopes of such mounds being used to determine the landward or lateral limits of a coastal primary sand dune. (1998, c. 160). 	<ul style="list-style-type: none"> Not a substantial change. <i>See</i> §28.2-1400 <i>supra</i>.
§28.2-1404. Meetings, quorum, rules, etc., of wetlands boards; records and reports.	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19]	<ul style="list-style-type: none"> Remained unchanged from §62.1-13.7 except for minor stylistic alterations and omission of clause concerning election of board officers (1992, c. 836) 	<ul style="list-style-type: none"> Not a substantial change. Except for the omission of the clause concerning the election of officers, this provision is uniform with §28.2-1304 governing the same issues, which as former §62.1-13.7 was part of the original CMP approval.
§ 28.2-1405. Local governing body to supply meeting space and services for wetlands board.	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> Remained unchanged from §62.1-13.8 except for removal of clause concerning removal of a board member (1992, c. 836) Added “town” to the list of types of governing bodies that must supply the 	<ul style="list-style-type: none"> Not a substantial change. This provision is uniform with §28.2-1305 governing the same issues, which as former §62.1-13.8 was part of the original CMP approval.

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

		board with reasonable meeting space and necessary secretarial, clerical, legal, and consulting services. (1994, c. 112)	<ul style="list-style-type: none"> • See §28.2-1400 <i>supra</i>.
§ 28.2-1406. Permits required for certain activities; issuance of permits by Commission.	Part of the original CMP approval [was §62.1-13.26].	<ul style="list-style-type: none"> • Added “town” to the list of types of governing bodies referenced (1994, c. 112) • Adds the Commissioner’s authorized representative as authorized signatory (1994, c. 125). 	<ul style="list-style-type: none"> • See §28.2-1400 <i>supra</i>. • Not a substantial change. The signature authorization is a minor administrative change effected to facilitate the workings of the Commission.
§28.2-1407. Administrative procedures.	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> • Recodification of former 62.1-13.5:2 as cross-referenced in 62.1-13.27 (1992, c. 836). 	<ul style="list-style-type: none"> • Not a substantial change. This provision is uniform with §28.2-1307.A governing the same issues, which as former §62.1-13.5:2 was cross-referenced in the original CMP approval.
§28.2-1408. Standards for use of coastal primary sand dunes.	Part of the original CMP approval [was §62.1-13.23]	<ul style="list-style-type: none"> • No change except for minor stylistic alterations. 	<ul style="list-style-type: none"> • Not a substantial change.
§28.2-1410. Commissioner to review all decisions of wetlands boards.	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> • Amended language to require Commissioner to request the Commission to review a decision only when he believes the local board failed to fulfill its responsibilities under the coastal primary dune zoning ordinance. (1992, c. 836) 	<ul style="list-style-type: none"> • Not a substantial change. This provision is uniform with §28.2-1310 governing the same issues, which as former §62.1-13.10 was part of the original CMP approval.
§28.2-1411. When Commission to review decision of wetlands board.	Part of the original CMP approval [§62.1-13.27 provided that boards would	<ul style="list-style-type: none"> • Deleted language specifying grounds for Commissioner to request review of decision, which are now in §28.2-1410 	<ul style="list-style-type: none"> • Not a substantial change. The grounds for the request for review are now in §28.20-1410. This

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

	follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19]..	(1992, c. 836). <ul style="list-style-type: none"> Added “town” to the list of types of governing bodies that have established wetlands boards whose decisions may be reviewed by the Commission (1994, c. 112). 	provision is uniform with §28.2-1311 governing the same issues, which as former §62.1-13.11 was part of the original CMP approval. <ul style="list-style-type: none"> <i>See §28.2-1400 supra.</i>
§ 28.2-1412. Procedure for review; notice of decision.	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> Added the requirement for the Commission to notify the parties of its decision with 48 hours of the appeal or review hearing (1992, c. 836) Added “town” to the list of types of governing bodies to which the Commissioner may give notice of review and notice of decision (1994, c.112). 	<ul style="list-style-type: none"> Not a substantial change. This provision is uniform with §28.2-1312 governing the same issues, which as former §62.1-13.12 was part of the original CMP approval. <i>See §28.2-1400 supra.</i>
§28.2-1413. When Commission to nodify, remand or reverse decision of vetlands board	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> Specified as grounds for the Commission to modify, remand or reverse the decision of a wetlands board, the failure of the board “to fulfill its responsibilities under the coastal primary sand dune zoning ordinance. (1992, c. 836) 	<ul style="list-style-type: none"> Not a substantial change. This provision is uniform with §28.2-1313 governing the same issues, which as former §62.1-13.13 was part of the original CMP approval.
§28.2-1414. Time for issuance of permit	Part of the original CMP	<ul style="list-style-type: none"> Remained unchanged from §62.1-13.14:1 	<ul style="list-style-type: none"> Not a substantial change. This

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

	approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	except for minor stylistic changes (1992, c. 836)	provision is uniform with §28.2-1314 governing the same issues, which as former §62.1-13.14:1 was part of the original CMP approval.
§ 28.2-1415. Judicial review.	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> • Declares that judicial review shall be pursuant to the provisions of the Administrative Process Act (§2.2-4000 et seq.). (1992, c. 836) • Added “town” to the governing bodies which may appeal a Commission decision (1994, c. 112). 	<ul style="list-style-type: none"> • Not a substantial change. This provision is uniform with §28.2-1315 governing the same issues, which as former §62.1-13.15 was part of the original CMP approval. • <i>See</i> §28.2-1400 <i>supra</i>.
§28.2-1416. Investigations and prosecutions	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19]..	• Remained unchanged from §62.1-13.16 except for minor stylistic changes (1992, c. 836)	• Not a substantial change. This provision is uniform with §28.2-1316 governing the same issues, which as former §62.1-13.16 was part of the original CMP approval.
§28.2-1417. Monitoring, inspections, compliance, and restoration	Approved as part of CMP through Routine Program Change RPI 93-1 in 1993. Enacted as §62.1-13.16:1 in 1987, and amended in 1990, c. 811.	• Remained unchanged except for minor stylistic changes (1992, c. 836)	• Not a substantial change.
§28.2-1418. Violations; penalty	Part of the original CMP approval [§62.1-13.27	• Remained unchanged from §62.1-13.18 except for minor stylistic changes (1992, c.	• Not a substantial change. This provision is uniform with §28.2-

Title 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS.
Statutory changes to enforceable policy: Chapter 14 –
Coastal Primary Sand Dunes and Beaches
(formerly Va. Code 62.1-13.21 et seq.)

	provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19]..	836)	1318 governing the same issues, which as former §62.1-13.18 was part of the original CMP approval.
§28.2-1419. Injunctions	Part of the original CMP approval [§62.1-13.27 provided that boards would follow same procedures as wetlands boards at §62.1-13.7 through §62.1-13.19].	<ul style="list-style-type: none"> • Remained unchanged from §62.1-13.18:1 except for minor stylistic changes (1992, c. 836). 	<ul style="list-style-type: none"> • Not a substantial change. This provision is uniform with §28.2-1319 governing the same issues, which as former §62.1-13.18:1 was part of the original CMP approval.
§28.2-1420. Penalties	Approved as part of the CMP through RPI 93-1 in 1993. Enacted as §62.1-13.27:1 in 1990, c. 811.	<ul style="list-style-type: none"> • Remained unchanged except for minor stylistic changes (1992, c. 836). 	<ul style="list-style-type: none"> • Not a substantial change.